

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ERIC TANIGUCHI,)	CV. NO. 06-00646 HG-BMK
)	
Plaintiff,)	FINDING AND
)	RECOMMENDATION THAT
vs.)	PLAINTIFF'S CASE BE
)	DISMISSED
THE INDIVIDUALS ACTING AS)	
JUDGE(S) IN THE FIFTH)	
CIRCUIT COURT; THE)	
INDIVIDUALS ACTING AS)	
JUDGE(S) IN THE FIFTH)	
DISTRICT COURT; and THE)	
ATTORNEY GENERAL OF THE)	
STATE OF HAWAII,)	
)	
Defendants)	
)	
)	

FINDING AND RECOMMENDATION THAT PLAINTIFF'S CASE BE
DISMISSED

Plaintiff Eric Taniguchi filed an action in this Court on December 4, 2006. Pursuant to Rule 16(a) of the Federal Rules of Civil Procedure and Local Rule 16.2, a scheduling conference was set for March 21, 2007. Although Plaintiff did file a document titled "Scheduling Conference Hearing," he failed to appear at the conference. As a result, the Court issued an order directing Plaintiff to appear before the Court on May 4, 2007, to show good cause, if any, why the case should not be dismissed. Plaintiff failed to appear on this date.

A district court must weigh five factors to determine whether to dismiss a case for failure to comply with a court order: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendant; (4) the public policy favoring the disposition of cases on their merits; and (5) the availability of less drastic sanctions. Bautista v. Los Angeles County, 216 F. 3d 837, 841 (9th Cir. 2000).

Balancing the five factors in this case, the Court finds that dismissal of the Complaint to be an appropriate sanction in this case.

Consequently, the Court FINDS and RECOMMENDS that this action be DISMISSED.

IT IS SO FOUND AND RECOMMENDED.



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: May 8, 2007

Taniguchi v. The Individuals Acting as Judge(s) in the Fifth Circuit Court; FINDING AND RECOMMENDATION THAT PLAINTIFF'S CASE BE DISMISSED; Cv. No.06-00646 HG-BMK.